

## COMMITTEE REPORT

### MR. PRESIDENT:

**The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1437, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1       Page 1, delete lines 1 through 17.
- 2       Page 2, delete lines 1 through 21, begin a new paragraph and insert:
- 3       "SECTION 1. IC 10-13-3-36, AS ADDED BY SEA 257-2003,
- 4       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       JULY 1, 2003]: Sec. 36. (a) The department may not charge a fee for
- 6       responding to a request for the release of a limited criminal history
- 7       record if the request is made by a nonprofit organization:
- 8             (1) that has been in existence for at least ten (10) years; and
- 9             (2) that:
- 10                (A) has a primary purpose of providing an individual
- 11                relationship for a child with an adult volunteer if the request
- 12                is made as part of a background investigation of a prospective
- 13                adult volunteer for the organization;
- 14                (B) is a home health agency licensed under IC 16-27-1;
- 15                (C) is a community mental retardation and other
- 16                developmental disabilities center (as defined in IC 12-7-2-39);
- 17                or
- 18                (D) is a supervised group living facility licensed under
- 19                IC 12-28-5.
- 20       (b) The department may not charge a fee for responding to a request

for the release of a limited criminal history record made by the division of family and children or a county office of family and children if the request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or IC 12-17.4.

(c) The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made by a school corporation, special education cooperative, or non-public school (as defined in IC 20-10.1-1-3) as part of a background investigation of an employee or adult volunteer for the school corporation, special education cooperative, or nonpublic school.

**(d) The department may not charge a fee for responding to a request for the release of a limited criminal history record made by the health professions bureau established by IC 25-1-5-3 if the request is:**

**(1) made through the computer gateway that is administered by the intelenet commission under IC 5-21-2 and known as accessIndiana; and**

**(2) part of a background investigation of a practitioner or an individual who has applied for a license issued by a board (as defined in IC 25-1-9-1)."**

Page 3, line 6, strike "eight (8)" and insert "**nine (9)**".

Page 3, line 11, after "whole" insert ".".

Page 3, line 11, delete "and one (1) of whom must be an advanced practice nurse."

Page 3, line 15, after "consumer." insert "**Members appointed under this subsection may not be advanced practice nurses.**".

Page 3, line 16, after "(c)" insert "**One (1) of the board members must be an advanced practice nurse.**

**(d)".**

Page 3, line 39, delete "Four (4)" and insert "**Five (5)**".

Page 3, line 39, delete "A" and insert "**An affirmative**".

Page 3, line 40, delete "majority".

Page 3, line 40, delete "the quorum" and insert "**a majority of the members appointed to the board**".

Page 3, delete lines 41 through 42.

Page 4, delete lines 1 through 15.

Page 5, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 9. IC 25-23-1-19.8 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2003]: **Sec. 19.8. (a) Before December 31 of**  
3 **an even-numbered year, the bureau shall randomly audit at least**  
4 **one percent (1%) but not more than ten percent (10%) of the**  
5 **practice agreements of advanced practice nurses with authority to**  
6 **prescribe legend drugs under section 19.5 of this chapter to**  
7 **determine whether the practice agreement reflects compliance with**  
8 **legal requirements.**

9 (b) The bureau or the bureau's designee may conduct the audit  
10 required under subsection (a). The audit may include the  
11 following:

12 (1) Requiring the advanced practice nurse and the licensed  
13 practitioner who have entered into a practice agreement to  
14 appear before the bureau or the bureau's designee to provide  
15 evidence of compliance with the practice agreement.

16 (2) Requiring the advanced practice nurse to provide the  
17 bureau with a copy of verification of attendance at or  
18 completion of a continuing education course or program the  
19 advanced practice nurse attended during the previous three  
20 (3) years.

21 (c) Not more than sixty (60) days after the completion of the  
22 audit required in subsection (a), the bureau shall provide the board  
23 with the following:

24 (1) A summary of the information obtained in the audit.

25 (2) A statement regarding whether an advanced practice  
26 nurse and a licensed practitioner that have entered into a  
27 practice agreement that is audited under subsection (a) are  
28 operating within the terms of the practice agreement.

29 The bureau shall also provide a copy of the information described  
30 in this subsection to the board that regulates the licensed  
31 practitioner.

32 (d) The bureau may cause to be served upon the advanced  
33 practice nurse an order to show cause to the board as to why the  
34 board should not impose disciplinary sanctions under IC 25-1-9-9  
35 on the advanced practice nurse for the advanced practice nurse's  
36 failure to comply with:

37 (1) an audit conducted under this section; or

38 (2) the requirements of a practice agreement under this

1           **chapter.**

2           **(e) The board shall hold a hearing in accordance with IC 4-21.5**  
 3           **and state the time and location of the hearing in the order served**  
 4           **under subsection (d).**

5           **(f) The board that regulates the licensed practitioner may cause**  
 6           **to be served upon the licensed practitioner an order to show cause**  
 7           **to the board as to why the board should not impose disciplinary**  
 8           **sanctions under IC 25-1-9-9 on the licensed practitioner for the**  
 9           **licensed practitioner's failure to comply with:**

10           **(1) an audit conducted under this section; or**

11           **(2) the requirements of a practice agreement under this**  
 12           **chapter.**

13           **(g) The board that regulates the licensed practitioner shall hold**  
 14           **a hearing in accordance with IC 4-21.5 and state the time and**  
 15           **location of the hearing in the order served under subsection (f).**

16           **(h) An order to show cause issued under this section shall**  
 17           **comply with the notice requirements of IC 4-21.5."**

18           Renumber all SECTIONS consecutively.

(Reference is to HB 1437 as printed February 11, 2003.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 10, Nays 0.

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**Miller**

**Chairperson**